IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION 1:06CV206-03-MU

MALCOLM Y. AZARIAH,)	
Plaintiff,)	
V.)))	RDER
CHARLES MCCURRY, et al.,)	
Defendants.)))	

THIS MATTER is before this Court upon Defendants' Motion for Judgment on the Pleadings - Failure to Exhaust" (Document No.22.) It appears that the Defendants McClellan and Capellupo may be entitled to have the Motion granted.

PETITIONER AZARIAH READ THIS:

You now have the opportunity to reply to the Defendant McClellan and Capellupo's Motion. You may <u>not</u> allege new facts surrounding the events in question as part of your reply. You should base your reply and argument(s) solely on the matters set forth in your original Complaint and/or those set forth in the Defendants' Motion.

You are further advised that you have twenty (20) days from the filing of this Order in which to file your reply in opposition to the Defendants' Motion to Dismiss. FAILURE TO RESPOND WITHIN THIS TIME PERIOD MAY SUBJECT THIS ACTION TO DISMISSAL.

NOW, THEREFORE, IT IS HEREBY ORDERED that the Plaintiff has twenty (20) days from the filing of this Order in which to provide a response to Defendants' Motion for

Judgment on the Pleadings.

SO ORDERED.

Signed: February 26, 2007

Graham C. Mullen United States District Judge